

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT TACOMA

7 THOMAS WILLIAM SINCLAIR  
8 RICHEY,

9 Plaintiff,

10 v.

11 DENNIS THAUT,

12 Defendant.

NO. C11-5680 RBL/KLS

ORDER GRANTING MOTION TO  
AMEND

13 Before the Court is Plaintiff's Motion to Amend Complaint. ECF No. 9. Pursuant to  
14 Rule 15(a)(1) of the Federal Rules of Civil Procedure, "[a] party may amend its pleading once  
15 as a matter of course within (A) 21 days after serving it, or (B) if the pleading is one to which  
16 a responsive pleading is required, 21 days after service of a responsive pleading or 21 days  
17 after service of a motion under Rule 12(b), (e) or (f), whichever is earlier." Otherwise, the  
18 party "may amend the party's pleading with the opposing party's written consent or the  
19 court's leave. The court should freely give leave when justice so requires." Fed. R. Civ. P.  
20 15(a)(2).

21 In his original complaint, Plaintiff named Dennis Thaut as defendant. ECF No. 5. The  
22 Court directed service of the complaint on Mr. Thaut, but the mail was returned as  
23 undeliverable, marked "Return to Sender, No Such Person at This Facility. ECF No. 7. The  
24 Court directed Plaintiff to provide a current address for Mr. Thaut so that service might again  
25  
26

1 be attempted. ECF No. 8. On October 26, 2011, the Clerk received from Plaintiff a marshal's  
2 form for service on a Douglas Thaut and on the same day, Plaintiff filed his motion to amend  
3 to change the name of the defendant from Dennis Thaut to Douglas Thaut. ECF No. 9.  
4 Plaintiff states that he was in error as to Mr. Thaut's first name. *Id.*

5 Accordingly, it is **ORDERED**:

6 (1) Plaintiff's Motion to Amend (ECF No. 9) is **GRANTED**.

7 (2) The Clerk shall change the name of the Defendant from "Dennis Thaut" to  
8 "Douglas Thaut" in the caption of this case.  
9

10 (3) The Clerk shall send a copy of this Order to Plaintiff.  
11

12 **DATED** this 3rd day of November, 2011.  
13

14   
15 Karen L. Strombom  
16 United States Magistrate Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26